Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 7/29/19	Bureau/Station/Facility: Transit Services Bureau	Admin. Invest.? [ ]	Hit? [x]

Incident Information

URN: 017-00705-6884-055	Date: 02/13/19 — Time: 1507 hours
City or Station: Van Nuys	Nature of Incident: While conducting a narcotics investigation, Deputy Perez attempted to pat down Suspect Firchow. Suspect Firchow pulled a pistol from his pocket and a deputy involved shooting occurred.
Location: 7344 Van Nuys Boulevard, Van Nuys, CA 91405	

Location Type (*check one or more*):
- [ ] Backyard
- [ ] Beach
- [x] Business
- [ ] Freeway
- [ ] Industrial
- [ ] Park
- [ ] Parking Lot
- [ ] Residence
- [ ] Rural
- [ ] School
- [ ] Street
- Other:

Lighting (*check only one*):
- [ ] Darkness
- [x] Daylight
- [ ] Other
- [ ] Street Lights

Weather (*circle only one*):
- [x] Clear
- [ ] Cloudy
- [ ] Fog
- [ ] Rain

Distance: 1 foot

Incident Type (*check one or more*):
- [ ] Accidental
- [x] Armed Person
- [ ] Fleeing Suspect
- [ ] Foot Pursuit
- [ ] Gun Take Away
- [ ] Moving Vehicle
- [ ] Sniper/Ambush
- [ ] Startle
- [ ] Struggle Involved
- [ ] Traffic Stop
- [ ] Unarmed Person
- [ ] Unintentional
- [ ] Vehicle Pursuit
- [ ] Warrant Service
- [ ] Warning Shot
- Other:

Initiated by (*check only one*):
- [ ] Arrest Warrant
- [ ] Call
- [x] Observation
- [x] One Person Unit
- [ ] Other
- [ ] Search Warrant
- [ ] Two Person Unit

Prior Activity (*check only one*):
- [ ] Detective
- [ ] Inmate Transport
- [ ] Other
- [x] Routine Patrol

Aero Unit? [x] Canine Unit? [ ]

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
1	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty
				[ ] EM [ ] PM [ ] Day	[ ] Regular [ ] Overtime [ ] Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Ad[redacted]	City [redacted]	Zip [redacted]	Work P[redacted]	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Add[redacted]	City [redacted]	Zip [redacted]	Work [redacted]	H [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Ad[redacted]	City [redacted]	Zip [redacted]	Work P[redacted]	H [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Contreras	Hector		[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting
[redacted]	Lee	Jason	R	[x] On Duty [ ] Present during shooting [ ] Witness to shooting [ ] Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Coley	Trendel	S

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	King	Matthew	E.

PSTD Use Only

SH # 2421808

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name [redacted] First Name [redacted] M.I. [redacted]
Street Address [redacted] Zip Code [redacted] Work Ph [redacted] Home Ph [redacted]

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
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Street Address Zip Code Work Ph Home Ph

Last Name First Name M.I.
Street Address Zip Code Work Ph Home Ph

Officer Involved Shooting
Involved Employee Information

URN: 017-00705-6884-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Perez	First Name: Jorge	M.I. A.
Sex: M Race: H	Rank: DSG	Unit Assignment: TPD	Work Assignment (Unit #, Module, etc.): 670F1
ShiftTime (*circle only one*): [ ] EM [ ] PM [x] Day	ShiftType (*circle only one*): [x] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # Interviewed? [x]
Hrs of sleep prior to shooting: Unknown	Duty Time (hrs): Uknown	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [x] Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'5	Weight: 155		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9mm # Shots: 1	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day	ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings: Directed Force: [ ]
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): [ ] EM [ ] PM [ ] Day	ShiftType (*circle only one*): [ ] Regular [ ] Overtime [ ] Off Duty	Intoxication/Drug Usage? [ ]	Substance Used:
Hospital Admission? [ ]	Hospital Name:	Coroner Case? [ ]	Coroner Case # Interviewed? [ ]
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): [ ] Plain Clothes no Vest [ ] Plain Clothes w/ Vest [ ] Raid Jacket no Vest [ ] Raid Jacket w/ Vest [ ] Uniform no Vest [ ] Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? [ ]	Patrol Certification? [ ]	Certification Unit:	Prior Shootings? [ ] Number of Prior Shootings: Directed Force: [ ]
Weapons Fired Brand:	Caliber: # Shots:	Weapons Fired Brand:	Caliber: # Shots:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 017-00705-6884-055

Suspect Information

S 1

Last Name: Firchow	First Name: Peter	M.I. A.
AKA Last Name:	First Name:	M.I.
Sex: M Race: H	Street Address: [redacted]	City: [redacted] State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted] Driver's License #: [redacted]
Age: 24 D.O.B. 9/9/92	Height: 5'10 Weight: 218	FBI # [redacted] CII # [redacted]
Booking # 4911413	Primary Charge: 664/187(a) PC	Secondary Charge: 29800(a)(1) PC
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☑ Substance Used: Marijuana
Armed? ☑	Apprehended? ☑	Mental Illness? ☐ Criminal History? [redacted]
Vehicle Make	Model:	Year:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI # CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐ Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ Criminal History? ☐
Vehicle Make	Model:	Year:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI # CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐ Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ Criminal History? ☐
Vehicle Make	Model:	Year:

S

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI # CII #
Booking #	Primary Charge:	Secondary Charge:
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐ Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐ Criminal History? ☐
Vehicle Make	Model:	Year:

See Other Side

Officer Involved Shooting

URN: 017-00705-6884-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02/13/17	1915 hours	08/2/19	

Employee #	Last Name	First Name	M.I.
[redacted]	Grall	David	M.
[redacted]	Arellano	Thomas	M.
[redacted]	Denison	Trent	A.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	JE	22			NN	NN
E#1	S#1	FH	BR	9	Y	Y	GS	AD

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-Duty Hit Shooting**
IAB FILE NUMBER:	**SH 2421808**
URN #:	**017-00705-6884-055**
DATE/TIME:	**February 13, 2017, 1507 hours**
LOCATION:	**7344 Van Nuys Boulevard, Van Nuys CA, 91405**

On February 13, 2017, an Internal Affairs Bureau (IAB) Force and Shooting Rollout Team, comprised of Lieutenant David Grall, and Sergeants Trent Denison and Thomas Arellano, responded to 7344 Van Nuys Boulevard, in the city of Van Nuys, regarding an on-duty, deputy involved hit shooting. The incident involved Transit Policing Division Deputy Jorge Perez and resulted in the injury of Suspect Peter Firchow.

IAB Note: **At the time of the incident, Transit Policing Division had numerous subordinate units, including Transit Bureau-North. Now all transit units belong to Transit Services Bureau, under Special Operations Division.**

Suspect Peter Firchow sustained one gunshot wound to his abdomen and was transported by ambulance to Providence Holy Cross Medical Center where he was treated for his injury. No deputies were injured.

Lieutenant David Grall took reasonable steps to ensure the involved personnel were in the company of a supervisor and did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators.

Los Angeles County Sheriff's Department Homicide Bureau Investigators Richard Ruiz, #[redacted] and Marcello Quintero, #[redacted], arrived at the scene of the incident and assumed control of the investigation. For additional information regarding their investigation, refer to the Los Angeles County Sheriff's Homicide Bureau Investigative Case Book, under Uniform Report Number (URN) 017-00705-6884-055 **[EXHIBIT A]**.

The Los Angeles County District Attorney Office's Justice System Integrity Division (JSID) personnel reviewed the shooting of Peter Firchow by Deputy

Jorge Perez. In their letter of opinion dated April 8, 2019, Head Deputy District Attorney Shannon Presby concluded Deputy Jorge Perez acted lawfully in self-defense when he used deadly force against Peter Firchow **[EXHIBIT B]**.

SYNOPSIS

On February 13, 2017, at approximately 1445 hours, Transit Policing Division Deputy Jorge Perez was working Unit 670F1/P. Deputy Perez was beginning the second half of a double (16 hour) shift and decided to eat lunch at a Cuban restaurant in Van Nuys called "Ay Papa Que Rico." Deputy Perez was working a one-man car and was alone while patronizing the restaurant.

After receiving his food, Deputy Perez began eating his lunch. He saw a group of four males enter the outside patio of the restaurant, adjacent to the front of the business. Deputy Perez could observe the group of males from inside the restaurant through a glass window. He saw two of the males snorting an unknown substance, which he believed to be narcotics. Additionally, the group of males did not appear to be patronizing the business.

Initially, Deputy Perez did not want to confront the group of males by himself, but later observed the two males who had snorted the narcotics walk away from the location. As Deputy Perez kept an eye on the two remaining males, he decided to walk outside to the patio area for the purpose of dispersing the remaining males away from the location.

Deputy Perez contacted the two males, who were later identified as Peter Firchow (Suspect Firchow) and [redacted] (Witness [redacted], and asked them why they were in the business' patio area without purchasing food. Both Witness [redacted] and Suspect Firchow stated they were waiting for a ride. While talking to Witness [redacted] and Suspect Firchow, Deputy Perez asked them, "Who's got the dope?" Suspect Firchow told Witness [redacted] "Hey, just tell him (Deputy Perez) you got it bro. Just fess up. Just tell him you got it."

Deputy Perez conducted a pat down search of Witness [redacted] for weapons, handcuffed him, and had him sit down on the ground. Witness [redacted] was wearing baggy pants and Deputy Perez removed marijuana and pill bottles from his pockets. Witness [redacted] was cooperative with Deputy Perez throughout the encounter.

While Deputy Perez conducted the search of Witness [redacted] Suspect Firchow remained seated at a table and began talking on his cell phone. Once Deputy Perez had Witness [redacted] sit down, he directed his attention toward Suspect Firchow. Deputy Perez told Suspect Firchow to get off of his cell phone and to stand up so that he could search him. Suspect Firchow defiantly threw his cell phone onto a glass patio table. Suspect Firchow stood up and continued to face Deputy Perez while simultaneously placing his right hand into his right pants

pocket. He ordered Suspect Firchow to take his hand out of his pocket. Deputy Perez took control of Suspect Firchow's left arm with his left hand and used his right hand to unsnap his holster as he waited to see if Suspect Firchow was going to comply with his command.

As Deputy Perez waited to see if Suspect Firchow was going to take his right hand out of his pants pocket, Suspect Firchow told Deputy Perez, "I'm dirty bro, I'm dirty." Deputy Perez was unsure what Suspect Firchow meant by, "I'm dirty," but due to the narcotics activity he observed earlier, he believed Suspect Firchow may have been concealing narcotics. Deputy Perez attempted to use his left hand to turn Suspect Firchow's body around and away from him; however, Suspect Firchow tensed his body and did not allow Deputy Perez to turn him around.

Suspect Firchow removed his right hand from his pocket, holding a black semi-automatic pistol. Suspect Firchow shifted to the right and raised the pistol up toward his chest with the muzzle of the pistol pointed at Deputy Perez. When Deputy Perez saw the pistol pointed in his direction, he released his grasp on Suspect Firchow, stepped back, drew his handgun and told Suspect Firchow, "Drop it, drop the gun, drop the gun!" Suspect Firchow did not comply.

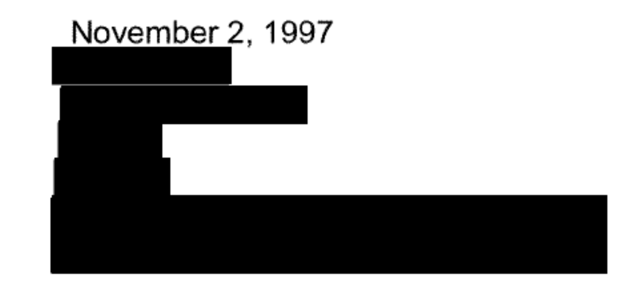
Fearing for his life, Deputy Perez fired one round from his pistol, striking Suspect Firchow in the lower left abdomen. Deputy Perez requested additional law enforcement resources and fire department personnel to his location. Deputy Perez detained Suspect Firchow at gunpoint until two officers from the Los Angeles Police Department (LAPD) arrived and handcuffed Suspect Firchow.

Suspect Firchow was transported to Holy Cross Medical Center and treated for his gunshot wound.

A black Jennings .22 caliber semi-automatic pistol was recovered from the scene.

<u>INVOLVED EMPLOYEE AND WORK HISTORY:</u>

PEREZ, Jorge, Deputy Sheriff, #[redacted]
Transit Policing Division



Date of Employment:	November 2, 1997
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]
Prior Law Enforcement Experience:	[redacted]

Equipment Worn On Person

Deputy Perez was wearing a long sleeved Class A uniform with a gun belt equipped with his Department issued duty weapon. Additional equipment included two sets of handcuffs, keys, OC Spray, two extra magazines, a portable radio, a TASER, and an expandable baton.

SUSPECT INFORMATION:

FIRCHOW, Peter Andrew, Booking #4907755
Male, Hispanic, DOB: September 9, 1992, 5'10", 187 lbs.
[redacted]
CII: #[redacted] MAIN: [redacted], FBI: #[redacted]

A copy of Suspect Firchow's personal information and criminal history report is included in the Homicide Bureau Investigative Case Book **[EXHIBIT A, pages 105-136].**

WITNESSES:

The following persons have been identified as potential witnesses to the events surrounding the deputy involved shooting incident:


[redacted]

INJURIES:

Suspect Peter Firchow

Suspect Firchow sustained a single gunshot wound to his lower left abdomen. He was medically treated at Providence Holy Cross Medical Center under Patient Identification Number #[redacted] and subsequently cleared for booking.

IAB Note: **The District Attorney's Letter of Opinion stated the suspect received a gunshot wound to the lower right quadrant of his front torso; however, medical records and investigator observations indicate the wound was actually on the lower left quadrant of Suspect Firchow's torso.**

Department Personnel

No Department personnel were injured during this incident.

PHYSICAL EVIDENCE:

Forensic identification specialists from the Los Angeles County Sheriff's Department's Scientific Services Bureau responded to the scene and, at the direction of Homicide Bureau investigators, documented and collected all physical evidence **[EXHIBIT A, pages 43-48]**.

INVESTIGATOR'S OBSERVATIONS:

Homicide Bureau investigators conducted a briefing regarding the incident, which included an escorted walk-thru of the scene. IAB investigators were present and noted the following:

The incident occurred in a narrow outdoor dining area in front of the "Ay Papa Que Rico" restaurant. Wrought iron fencing and large potted plants/bushes separated the outdoor dining area from the public walkway. A small black semiautomatic pistol was on the ground within the confines of the outdoor dining area. Yellow crime scene tape encompassed the area to restrict unauthorized access.

Homicide Bureau investigators described the scene in the Homicide Bureau Investigative Case Book **[EXHIBIT A, pages 85-87]**. Their scene description was consistent with IAB investigator's observations. Scientific Services Bureau personnel photographed the scene and downloaded the digital images onto compact discs, which are included in the Homicide Bureau Investigative Case Book **[EXHIBIT A]**.

WEAPON USED BY DEPARTMENT PERSONNEL:

Deputy Perez fired one (1) round of Department issued 9mm ammunition from his Department issued Berretta, model 92F, 9mm semiautomatic pistol.

Senior Criminalist Phil Teramoto, #[redacted] of the Los Angeles County Sheriff's Department's Scientific Services Bureau Firearms Identification Section, examined the firearm. The firearm was found to be functional **[EXHIBIT A, pages 79-80]**.

Date last qualified: [redacted]
Date last trained with weapon:

WEAPONS USED BY SUSPECT:

Suspect Firchow was in possession of a Jennings, model J-22, .22 caliber semiautomatic pistol. The firearm was recovered with a magazine containing six (6) live .22 caliber bullet cartridges seated in the magazine well. There were no bullet cartridges in the chamber.

Senior Criminalist Phil Teramoto examined the firearm and found it to be missing a trigger bar assembly. The firearm was determined to be non-functional **[EXHIBIT A, pages 88-89]**.

> **IAB Note:** **Firearm trace records indicate the firearm was registered in March of 1995, to an owner in the state of Oregon [EXHIBIT A, page 90].**

PROPERTY DAMAGE:

There was no property damage reported for this incident.

CRIMINAL INVESTIGATION:

The criminal investigation involving the deputy involved shooting incident was handled by Homicide Bureau Investigator Sergeants Marcelo Quintero and Richard Ruiz. The case was filed in Los Angeles County Superior Court. Suspect Firchow was charged with Assault on a Peace Officer with a Semi-Automatic Firearm, 245(d)(2) P.C; and Possession of a Firearm by a Felon, 29800(a)(1) P.C.

On November 30, 2017, Suspect Firchow pleaded nolo contendere to one count of Resisting an Executive Officer, 69. PC, and was sentenced to two years in county jail. Suspect's criminal history is outlined in his Consolidated Criminal History Reporting System (CCHRS) report **[MISCELLANEOUS DOCUMENTS]**.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred outdoors during daylight hours on a clear and sunny day.

INVOLVED EMPLOYEE'S STATEMENTS:

The following narrative is intended only as a synopsis of the interview. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

DEPUTY JORGE PEREZ

On February 13, 2017, at 2251 hours, Involved Employee Deputy Jorge Perez was interviewed by Homicide Bureau investigators. The interview took place in the conference room at the Los Angeles Valley College Sheriff's Sub-Station.

> **IAB Note:** **Deputy Perez retired from the Department on March 31, 2018, and declined to participate in a follow up interview with Internal Affairs Bureau [Miscellaneous Documents].**

On February 13, 2017, Deputy Perez was working a "county-double" (16 hour shift) at Transit Policing Division. He began his first shift at [redacted] hours and ended the shift at [redacted] hours, his first shift was unremarkable. He logged on for his second shift as Unit 60F1/P, from [redacted] hours to [redacted] hours. Deputy Perez was a one-man unit and he did not have a partner. He decided to get something to eat at "Ay Papa Que Rico," a Cuban Restaurant located in Van Nuys.

While inside the restaurant eating lunch, Deputy Perez saw a group of four males enter the patio which was located in front of the restaurant. From inside, looking through the clear glass window, Deputy Perez could see two of the males were "snorting" an unknown substance which he believed to be narcotics.

Initially, Deputy Perez did not want to confront the group of males by himself and continued to eat his lunch. The two males he observed "snorting" the narcotics left the location, and two of the males remained on the patio. Deputy Perez continued to watch the two remaining males as he ate his lunch. Eventually, Deputy Perez decided to walk outside to the patio for the purposes of "shooing" away the remaining males.

Once outside he asked Suspect Firchow and Witness [redacted] why they were in the patio area without purchasing food from the restaurant. Both males told Deputy Perez they were waiting for a ride. While talking to the males, he asked them, "Whose got the dope?" Suspect Firchow immediately told Witness [redacted] "Hey, just tell him you got it bro. Just fess up. Just tell him you got it."

Deputy Perez searched Witness [redacted] handcuffed him and had him sit on the ground. Witness [redacted] had a lot of items in his baggy pants, including marijuana and pill bottles. After searching Witness [redacted] Deputy Perez focused his attention on Suspect Firchow, who had begun talking on his cell phone. Deputy Perez ordered Suspect Firchow to get off of his cell phone. Suspect Firchow ended the call and threw the cell phone on the patio table.

He told Suspect Firchow to place his hands behind his back. Ignoring Deputy Perez's commands, Suspect Firchow placed his right hand into his right front pants pocket. Upon noticing Suspect Firchow placing his hand in his pocket,

Deputy Perez grabbed Suspect Firchow's left arm with his left hand and used his right hand to unsnap his holster. As Deputy Perez held onto Suspect Firchow's left arm and ordered Suspect Firchow to remove his hand from his pocket, Suspect Firchow told him, "I'm dirty bro, I'm dirty." Deputy Perez wasn't sure what Suspect Firchow meant by, "I'm dirty," but thought Suspect Firchow possibly had drugs on him.

Deputy Perez attempted to turn Suspect Firchow's body away from him by grabbing a hold of Suspect Firchow's arms and spinning him around; however, Suspect Firchow resisted and tensed his body, thus not allowing Deputy Perez to turn him around.

While attempting to control Suspect Firchow, who was resisting, Deputy Perez saw him take a faded, dark colored, small handgun out of his right front pants pocket. Suspect Firchow shifted to the right, and with his right hand, raised the gun to his own chest, causing the barrel of the gun to point toward Deputy Perez **[Homicide Bureau transcripts, page 8]**. When he saw the gun pointed in his direction, Deputy Perez let go of Suspect Firchow, stepped back, and unholstered his duty firearm. He believed Suspect Firchow was going to shoot him and that he had the ability to do it. He immediately gave Suspect Firchow commands to, "Drop it, drop the gun, drop the gun." When Suspect Firchow did not comply, he fired one round which hit Suspect Firchow in the stomach. Suspect Firchow immediately dropped the gun, fell to the ground, and began to "moan and groan."

After the shooting, Deputy Perez immediately got on the radio and requested help and medical assistance for Suspect Firchow. Witness [redacted] who was previously handcuffed and seated on the ground, attempted to stand up. Deputy Perez order Witness [redacted] to remain on the ground while he continued to hold Suspect Firchow at gun-point. Deputy Perez did not know if Suspect Firchow had another gun in his possession. Additionally, he kept civilians away from the scene as he used his radio to coordinate with responding personnel.

Officers from the Los Angeles Police Department arrived and handcuffed Suspect Firchow.

WITNESS STATEMENTS:

The following are summaries of recorded witness interviews by Homicide Bureau investigators. For additional information, refer to the attached verbatim transcripts and/or audio files.

[redacted]

On February 14, 2017, at 2352 hours Witness [redacted] was interviewed by Homicide Bureau investigators. Witness [redacted] and Suspect Firchow met to buy

Chinese food and medical marijuana near the restaurant. They decided to sit down in the patio area of "Ay Papa Que Rico" restaurant and wait for a friend to pick them up. Two other male friends showed up outside the patio area and "hung out" with them. While in the patio area the other two male friends started using cocaine in front of him and Suspect Firchow. After using the cocaine, the two male friends left and began walking south toward Sherman Way. After the two male friends left, a deputy suddenly showed up, searched him, and told him to get on his knees. The deputy did not handcuff him, but he kept his hands behind his back.

While facing away from the deputy and Suspect Firchow, he heard Suspect Firchow say, "I'm dirty." Witness [redacted] heard the deputy said, "Drop the gun" three or four times **[Homicide Bureau transcripts, page 16].** He heard a shot, turned his head around, and noticed the deputy now had a gun in his hand. He also noticed Suspect Firchow was now on the ground. He did not see the deputy shoot Suspect Firchow, nor did he see if Suspect Firchow pulled a gun out of his pocket or not.

After the shooting, the deputy ordered Suspect Firchow to remain on the ground and called for backup on his police radio.

Witness [redacted] reiterated to Homicide Bureau investigators he was facing away from the deputy and Suspect Firchow and did not see the shooting.

Witness [redacted] admitted to using cocaine, Norco pills, and marijuana before the incident.

Witness [redacted] was interviewed a second time by Homicide Bureau investigators at 0308 hours on February 14, 2017, after deputies who transported him to East Los Angeles Station for booking found a small bindle of cocaine in the rear seat of the patrol vehicle. Witness [redacted] admitted the cocaine bindle was his. He also elaborated to Homicide Bureau investigators he was partaking in the "key shots" while seated in the patio area with Suspect Firchow and the two other male friends, whose names were [redacted] and [redacted] Witness [redacted] believed the deputy may have observed them using cocaine through the restaurant window.

IAB Note: **Key shots of coke is the act of dipping a common house or vehicle key into a container of cocaine and scooping out a small quantity to ingest through the nostrils.**

[redacted]

On February 28th, 2017, at approximately 1518 hours, Witness [redacted] was interviewed by Homicide Bureau investigators. The audio recorded interview took place at her residence. Witness [redacted] was a [redacted] of

Suspect Firchow and she had known him for over a year. She drove Suspect Firchow to get a haircut earlier in the day and later dropped him off at his [redacted] house. They agreed to meet later in the day to meet with Witness [redacted]

Witness [redacted] later drove Suspect Firchow and Witness [redacted] to the "Green Dragon" (Chinese cuisine restaurant). While in the area, she decided to walk to the 98 Cent Store, just south of the "Ay Papa Que Rico" restaurant. While at the 98 Cent Store, she was with [redacted] and [redacted] decided to walk over to where Suspect Firchow and Witness [redacted] were to "bump" some narcotics. After using the narcotics, [redacted] walked back to where she was near the 98 Cent Store.

> **IAB Note:** **The 98 Cent Store is in the same building at Ay Papa Que Rico restaurant. The sign above the door reads, "98¢ & UP, Discount Store."**

While walking out of the 98 Cent Store , Witness [redacted] was standing just south of the outside patio of the restaurant when she saw a deputy walk toward Suspect Firchow and Witness [redacted] who were sitting in the patio area of the restaurant. She heard the deputy tell Witness [redacted] to get on his knees. She heard the deputy tell Suspect Firchow he had to search him. Suspect Firchow turned away from the deputy as if to tell him, "You ain't checking me. Who the hell are you?" She saw Suspect Firchow facing away from the deputy and say, "I'm dirty." She saw Suspect Firchow place his hands in his right pocket and remove a cell phone and a gun. As soon as Suspect Firchow removed the cell phone and gun from his pocket, the deputy shot Suspect Firchow.

Witness [redacted] heard the deputy tell Suspect Firchow to "drop the gun" approximately three times prior to the shooting.

After the deputy shot Suspect Firchow, Suspect Firchow fell to the ground. The deputy also pointed his gun at Witness [redacted] and told him to stay down.

Witness [redacted] left after the incident and did not provide a statement to law enforcement because she had to pick up her [redacted]

[redacted]

On February 28, 2017, at 1604 hours, Witness [redacted] was interviewed by Homicide Bureau investigators. The interview took place on the street near [redacted] house and was audio recorded.

Witness [redacted] was in front of the 98 Cent Store (directly south of the "Ay Papa Que Rico" restaurant) at the time of the shooting incident. He had a hard time seeing through the bushes; however, he could see Witness [redacted] on his knees

with his hands behind his back. He could not see the deputy or Suspect Firchow due to the bushes which restricted his view.

Witness [redacted] remembers hearing the deputy yell to Suspect Firchow, "Put it down." He then heard one shot being fired, but he did not know who fired the shot. From his position, he could not see either the deputy or Suspect Firchow with a gun. After the shooting, he walked closer to the scene and saw Suspect Firchow on the ground and Witness [redacted] on his knees with his hands behind his back.

Prior to the shooting incident, Witness [redacted] was in the patio area with Suspect Firchow, Witness [redacted] and [redacted] He and [redacted] walked away prior to the deputy entering the patio, but denied they walked away because of the deputy inside the restaurant.

[redacted]

On March 2, 2017, Witness [redacted] was interviewed by Homicide Bureau investigators. The interview took place on the street near [redacted] residence and was audio recorded.

Witness [redacted] was with Suspect Firchow, Witness [redacted] and Witness [redacted] all day prior to the incident. During the shooting incident he was standing in front of the 98 Cent Store.

Witness [redacted] heard the deputy tell Witness [redacted] to get on the floor while the deputy searched him. He also remembered hearing Suspect Firchow tell the deputy that he was "dirty." The deputy told Suspect Firchow to take everything out of his pockets. Suspect Firchow removed a cell phone from his right pocket. He could hear the deputy and Suspect Firchow argue and shortly thereafter he heard a shot. He did not see anyone shoot a gun.

Witness [redacted] did not see Suspect Firchow with a gun on the day of the shooting; however, Suspect Firchow usually carried a gun because he (Suspect Firchow) was shot at in the past. When Witness [redacted] heard Suspect Firchow say, "I'm dirty," he assumed Suspect Firchow had the gun with him.

[redacted]

On March 2, 2017, at 1217 hours, Witness [redacted] was interviewed by Homicide Bureau investigators. The interview took place at Witness [redacted] residence and was audio recorded.

Witness [redacted] met up with Suspect Firchow, Witness [redacted] and [redacted] in the patio area of "Ay Papa Que Rico" restaurant. While inside the patio, Witness [redacted] was showing off the cocaine that he had. He and [redacted] eventually

walked away from the patio area. He looked back and saw a deputy approach Suspect Firchow and Witness [redacted] He and [redacted] continued to walk away and met up with [redacted] and [redacted] at the 98 Cent Store.

A short time later, he saw the deputy search Witness [redacted] followed by a commotion between the deputy and Suspect Firchow. He saw Suspect Firchow turn away from the deputy and say, "I'm kinda dirty." The deputy attempted to approach Suspect Firchow, but Suspect Firchow stepped away and repeated, "I'm dirty." Suspect Firchow pulled out a cell phone and put it on the patio table. He never saw Suspect Firchow pull out a gun, nor did he know if Suspect Firchow was carrying a gun.

Witness [redacted] recalled hearing a shot, but did not know who fired the shot.

ADDITIONAL INTERVIEWS:

Homicide Bureau investigators, along with Internal Affairs Bureau investigators interviewed the following [redacted] who work at " [redacted] " restaurant; [redacted] None of the employees at the restaurant reported witnessing the shooting incident or the events immediately preceded the shooting incident. None of the employees were in the patio area during the shooting. While numerous employees reported only hearing one gunshot, several employees were working in the loud kitchen or in other enclosed workrooms and did not report hearing the gunshot at all. These interviews were all audio recorded **[EXHIBIT A, DISC 1]** and detailed in a Homicide Bureau investigator supplemental reports **[EXHIBIT A, pages 52-65]**.

[redacted] Suspect Firchow's [redacted] was interviewed by Homicide Bureau investigators on February 13, 2017. The audio recorded interview took place at the intersection of Van Nuys Boulevard and Valerio Street in Van Nuys. Witness [redacted] became aware of the shooting incident involving Suspect Firchow and responded to the area where the incident occurred. Witness [redacted] described Suspect Firchow as a "vile" and "horrible" person. Witness [redacted] indicated Suspect Firchow had been shot at on four separate occasions by local gangs named "Valerio" and "Asian Boys." Witness [redacted] did not witness the shooting incident or the events that led up to the shooting. She did; however, later provide three video files and one still image file, depicting the scene immediately after the shooting in the front patio area of "Av Papa Que Rico," to Homicide Bureau investigators. These videos were provided to her by an anonymous person **[EXHIBIT A, DISK 1]**.

SUSPECT STATEMENT:

SUSPECT PETER FIRCHOW

On February 14, 2017, at approximately 0245 hours, Suspect Firchow was interviewed by Homicide Bureau investigators. The interview took place in a hospital room at Providence Holy Cross Medical Center in the city of Mission Hills. Suspect Firchow had a gun in his possession while he and several friends were in front of the "Ay Papa Que Rico" restaurant. His friends were doing "key shots of coke," which was provided by Witness [redacted]

Suspect Firchow indicated he had been carrying a .22 caliber pistol because he had been shot at by the Valerio street gang on six different occasions. He had previously been a member of the Van Nuys 13 street gang, but he had not been active since 2007.

Prior to the incident, he had been hanging out with his [redacted] and was in the process of delivering a plate of Chinese food to the marijuana dispensary where he was employed. He was waiting for his [redacted] to pick him up when he ran into Witness [redacted] He and Witness [redacted] had stopped at the "Ay Que Rico" restaurant patio, where they eventually met up with two other friends. Prior to being contacted by the deputy, the two other males had walked away and only he and Witness [redacted] remained in the patio. When the deputy approached them, Suspect Firchow told Witness [redacted] to "man up," because he knew that he (Suspect Firchow) was "dirty."

> **IAB Note:** **Being "dirty" is common street slang for having illegal contraband on your person or in your vehicle.**

Suspect Firchow said the deputy first searched and handcuffed Witness [redacted] then had Witness [redacted] take a seat on the ground. The deputy then ordered him to remove the items from his pockets. He stood up from the table he was seated at and removed the items from his pants pocket, which included the "Jennings" pistol and his cell phone. The deputy saw he had the gun and yelled for him to "drop it." **[Homicide Bureau transcripts, page 5].** As he dropped the gun, the deputy shot at him one time. The single round struck him near his belly button.

Suspect Firchow further explained to Homicide Bureau investigators the deputy never pat him down prior to the shooting. He denied ever intending to shoot the deputy, pointing the gun at the deputy or pulling the trigger on the pistol. He believed the reason the deputy shot him was because he pulled the gun out of his pocket. He added, he was afraid the deputy would find the gun on him during a pat down and feared he would be "tossed" if the deputy found the gun on his body. He did not want to get "tossed" because he suffered from a pancreatic ailment and for this reason, he did not want to be handled roughly by the deputy.

> **IAB Note:** **Being "tossed" is common street slang for being assaulted or handled in a rough manner.**

Suspect Firchow was asked if he uttered the words, "I'm dirty," to the deputy. He explained that after the deputy searched Witness [redacted] the deputy turned to him and asked him if he had "anything on his person." He told the deputy, "I have a gun," and simultaneously pulled the gun and his cell phone from his pocket **[Homicide Bureau transcripts, page 9]**. The deputy then shot him. He denied uttering the words, "I'm dirty," to the deputy.

Suspect Firchow repeatedly told Homicide Bureau investigators he blamed the incident on Witness [redacted] He believed if Witness [redacted] would have "manned up" and told the deputy about the cocaine he secreted on his body, the deputy would not have searched him and found the gun **[Homicide Bureau transcripts, page 5]**. The deputy would have let them go for Witness [redacted] honesty.

Suspect Firchow explained the two other individuals who were using cocaine with them on the patio had left prior to the deputy contacting them. He believed they were approximately 50 feet away. Witness [redacted] was the only other person on the patio.

> **IAB Note:** **Suspect Firchow did not provide the names of the other two individuals to Homicide Bureau investigators, rather opting to only describe them as a male African-American and a male Hispanic. Homicide Bureau investigators would later discover the names of these individuals and interview them.**

MISCELLANEOUS SECTION:

Los Angeles Police Officers [redacted] #[redacted] and [redacted] #[redacted] were the first law enforcement officers to arrive after Deputy Perez's assistance request. Officers [redacted] and [redacted] handcuffed Suspect Firchow and moved the handgun used by the suspect away from his reach by sliding it with their foot. LAPD Officer [redacted] authored a supplement report **[EXHIBIT A, pages 4-5]**.

Internal Affairs Bureau investigators spoke with Deputy Perez who is retired from the Department. Deputy Perez declined to be interviewed regarding this incident.

RADIO TRANSMISSIONS:

On February 13, 2017, at 1507 hours, Deputy Perez used Transit Policing Division's dispatch frequency to request emergent law enforcement assistance to his location. Deputy Perez immediately advised the Sheriff's Communication Center (SCC) he was involved in a deputy involved shooting and requested fire

department personnel to respond. Deputy Perez advised he was detaining two suspects at gunpoint, and he was facing northbound. A field sergeant immediately acknowledged and responded to the location. An air unit (helicopter) was requested and responded. LAPD, Van Nuys Division, was requested and responded to assist with the containment of the crime scene **[EXHIBIT A, DISC 1/Emergency Traffic]**.

VIDEO RECORDINGS:

Homicide Bureau investigators obtained four video recordings, one from surveillance footage inside '[redacted] restaurant and three provided by Witness [redacted] **[EXHIBIT A, DISC 1/Videos]**.

The first video recording was labeled "135." This recording is 36 seconds in length and depicts cell phone video of surveillance footage inside of the "Ay Papa Que Rico" restaurant. The video shows Deputy Perez seated at a table and eating. Deputy Perez walks to the window and peer outside. The shooting and suspects are not depicted in this video.

The second video recording is labeled "136." This recording is 59 seconds in length and depicts cell phone video from south of the location, looking into the patio. Witness [redacted] can be seen on his knees facing away from the deputy and Suspect Firchow. Suspect Firchow can be seen laying on his back with his knees bent and hands resting on his abdomen. Deputy Perez can be seen detaining Suspect Firchow at gunpoint. As the video progresses, the unidentified videographer walked toward Deputy Perez who was standing near the patio entrance. Deputy Perez can be heard giving the command, "Stay down" numerous times. As the videographer walked closer toward Deputy Perez, Deputy Perez ordered him to move back. At approximately 10 seconds into the video, an object appearing to be a black handgun was seen on the ground near Suspect Firchow's right foot. This video began after the shooting occurred.

The third video recording is labeled "IMG_0690.mp4". This recording is one minute in length. This recording shows Deputy Perez detaining Suspect Firchow at gunpoint while he was laying on the ground. This video also shows LAPD officers and other assisting deputy personnel arrive on scene. The video began after the shooting occurred.

The fourth video recording is labeled "IMG_0691.mp4". This recording is 49 seconds in length and depicts cell phone video from south of the location, looking into the patio. The video begins well after the shooting incident. Deputy Perez was seen in the street speaking with another deputy. Several LAPD officers are seen standing over a Suspect Firchow who is handcuffed.